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OFFICE OF PETITIONS

In re Application of :
Felts et al. :
Application No. 09/912,130 :
Filed: July 24, 2001 : ON PETITION
Attorney Docket Number: :
PHFR 000076 :

This is a decision on the Request for Withdrawal of Erroneously Issued Notice of Abandonment, filed August 22, 2005. The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 12, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 13, 2005. A Notice of Abandonment was mailed on August 9, 2005.

Applicant's Assertion

Applicant responds with the instant petition wherein Applicant asserts that a timely reply was filed on February 12, 2005.

A review of Office records reveal that the Examiner issued new grounds for rejection in the January 12, 2005 non-final Office action. In response thereto, Applicant timely filed a request to reinstate the appeal and Supplemental Appeal Brief on February 17, 2005 (Certificate of Mailing dated February 12, 2005).

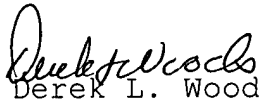
Accordingly, the petition is granted.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No fee has been charged for the petition and none is due.

The application file is being referred to Technology Center Art Unit 2613 for continued processing in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods". The signature is fluid and cursive, with the first name "Derek" and last name "Woods" clearly distinguishable.

Derek L. Woods

Attorney

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Office of the Deputy Commissioner
for Patent Examination Policy